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I hereby certify that this correspondence is being deposited with the United States Postal Services on the date set forth below as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.  
Date of Signature  
and Deposit: August 26, 1998

\_\_\_\_\_  
Attorney of Record

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James A. Thomson  
Serial No.: 09/106,390  
Filed: June 26, 1998  
Title: PRIMATE EMBRYONIC STEM CELLS  
Art Unit: 1636  
Examiner: --

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SEP 08 1998

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TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Attn: Box Sequence

#3

Dear Sir:

In response to the August 19, 1998 Notice to Comply, the following items are enclosed:

1. A copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequences;
2. A computer readable sequence in ASCII MSDOS format;
3. A paper copy of the Sequence Listing;
4. A statement under 37 CFR § 1.821(f); and
5. A request to correct the correspondence address.

Applicant does not believe a fee is necessary to enter this Transmittal Letter. However, if a fee is necessary, please charge deposit account 17-0055.

Respectfully submitted,

James A. Thomsen

Dated: August 26, 1998

By: 

Carl R. Schwartz  
Reg. No.: 29,437  
QUARLES & BRADY  
411 East Wisconsin Avenue  
Milwaukee, WI 53202  
(414) 277-5715

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SERVICE CENTER

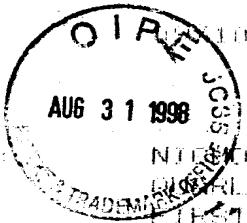
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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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01061100 08/26/98 THOMPSON 0222/0819  
NICHOLAS J. SEAY  
CHARLES W. BRADY  
PITTSBURGH PLAZA  
ONE SOUTH PINKNEY STREET  
MADISON WI 53701

NET ASSIGNED #3

1036  
DATE MAILED:

08/19/98

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application fails to comply with the requirements of 37 CFR 1.821 - 1.825.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ 7. OTHER: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing."
- ☒ An initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:**

- ☐ For Rules Interpretation, call (703) 308-1123.
- ☐ For CRF submission help, call (703) 308-4212.
- ☐ For PatentIn software help, call (703) 308-6856.

*W. Black*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

**PART 2 - COPY TO BE RETURNED WITH RESPONSE**



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/106,390	06/26/98	THOMSON	J 96-0296-9540

NICHOLAS J SEAY  
QUARLES & BRADY  
FIRSTAR PLAZA  
ONE SOUTH PINKNEY STREET  
MADISON WI 53701

0222/0819

NOT ASSIGNED

DATE MAILED: 1636

08/19/98

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

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- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
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- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ 7. OTHER: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing."
- ☒ An initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:**

- ☐ For Rules Interpretation, call (703) 308-1123.
- ☐ For CRF submission help, call (703) 308-4212.
- ☐ For PatentIn software help, call (703) 308-6856.

*UNBLACK*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

Please type a plus sign (+) inside this box ☐

Approved for use through 9/30/00, OMB 0651-0032  
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 96-0296-9540-8

First Inventor or Application Identifier James A. Thomson

Title PRIMATE EMBRYONIC STEM CELLS

Express Mail Label No. EI859776618US

## APPLICATION ELEMENTS

See MPEP Chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

- ☒ Fee transmittal Form  
(Submit an original and a duplicate for fee processing)
- ☒ Specification (Total Pages 49)  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross References to Related Applications
  - Statement Regarding Fed Sponsored R&D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- 3 ☒ Drawing(s) (35 USC 113) (Total Sheets 8)
4. Oath or Declaration (Total Pages 1)
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from prior Application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)
- [Note Box 5 below]
- i. ☐ DELETION OF INVENTOR(S)  
Signed Statement attached deleting  
inventor(s) named in prior application,  
see 37 CFR 1.63(d)(2) and 1.33(b).
- 5 ☒ Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application from  
which a copy of the oath or declaration is supplied  
under Box 4b, is considered as being part of the  
disclosure of the accompanying application and is  
hereby incorporated by reference herein.

6. ☐ Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
- a. ☒ Computer readable Copy
- b. ☒ Paper Copy (identical to computer copy)
- c. ☒ Statement Verifying identity of above

## ACCOMPANYING APPLICATION PARTS

- 8 ☐ Assignment Papers (cover sheet & documents)
- 9 ☐ 37 CFR 3.73(b) Statement (where there is an assignee) ☒ Power of Attorney
- 10 ☐ English Translation Document (if applicable)
- 11 ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
- 12 ☐ Preliminary Amendment
- 13 ☒ Return receipt postcard (MPEP 503)  
(Should be specifically itemized)
- 14 ☐ \*Small Entity Statement(s) ☐ Statement filed in prior application  
☐ Status still proper and desired
- 15 ☐ Certified copy of priority Document(s)  
(if foreign priority is claimed)
- 16 ☒ Other: terminal disclaimer
- \* A new statement is required to pay small entity fees, except where one has been filed in a prior application and is being relied upon

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application no. 08 / 591,246  
Prior application information: Examiner: B. Brumback Group/Art Unit: 1815

## 18. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label)

or ☒ Correspondence address below

NAME Carl R. Schwartz

ADDRESS Quarles & Brady  
411 East Wisconsin Avenue

CITY Milwaukee STATE WI ZIP CODE 53202

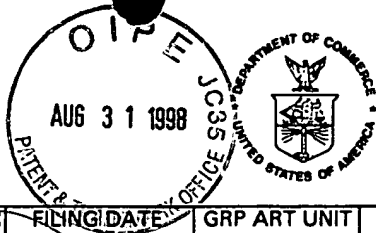
COUNTRY USA TELEPHONE (414) 277-5715 FAX (414) 271-3552

Name (Print/Type) Carl R. Schwartz Registration No. (Attorney/Agent) 29,437

Signature [Signature] Date June 26, 1998

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. MKE\4192202

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/106,390	06/26/98	1636	\$872.00	96-0296-9540	8	11	4

NICHOLAS J SEAY  
QUARLES & BRADY  
FIRSTAR PLAZA  
ONE SOUTH PINKNEY STREET  
MADISON WI 53701

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

JAMES A. THOMSON, MADISON, WI.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A DIV OF 08/591,246 01/18/96  
WHICH IS A CIP OF 08/376,327 01/20/95 ABN

FOREIGN FILING LICENSE GRANTED 08/18/98

TITLE

PRIMATE EMBRYONIC STEM CELLS

PRELIMINARY CLASS: 435